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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/628,816

07/28/2003

Robert Metzger

5490-000331

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27572 7590 06/24/2008
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EXAMINER

SWIGER III, JAMES L

ART UNIT

PAPER NUMBER

3733

MAIL DATE

DELIVERY MODE

06/24/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Interview Summary

Application No.

10/628,816

Applicant(s)

METZGER, ROBERT

Examiner

JAMES L. SWIGER

Art Unit

3733

All participants (applicant, applicant's representative, PTO personnel):

(1) JAMES L. SWIGER.

(3)_____.

(2) Brian Hollace.

(4)_____.

Date of Interview: 20 May 2008.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
If Yes, brief description: _____.

Claim(s) discussed: 1 and 12.

Identification of prior art discussed: Serra et al. (US Patent 7,255,702).

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

/JAMES L SWIGER/
Examiner, Art Unit 3733

Examiner Note: You must sign this form unless it is an
Attachment to a signed Office action.

Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: representative for applicant wanted to discuss the refusal of entry/allowance for the After Final submitted 4/24/2008. Applicant stated that the amendments made to claims 1 and 12, were previous dependent claims, that were cancelled and incorporated into the independent claim. These claims were previously rejected. To point out the claim limitations for at least claim 1, the examiner stated that the arm 60 in Serra et al. is considered a depth selection assembly and the fixable sleeve is item 65. The depth selection assembly of Serra controls the resecting member as it has the ability to move up and downward (see fig. 12) to control the depth of the resecting member (distal to 70). The sleeve (65) is disclosed as a 'reamer shuttle' which controls movement and constrains motion. The selection portion of the depth assembly (the elongated slot) engages the sleeve (see fig. 11, pin area 67) and the sleeve has the ability to operably engage into the selection portion and move the resecting member relatively. Applicant pointed out for claim 12, however, that Serra did not 'teach each and every element of the claimed invention' because it failed to disclose details concerning a "stop." It was agreed that Serra et al. did not disclose a 'stop' per se, and its absence did not preclude its patentability, possibly requiring additional search. Pending claim 31 was not discussed.